300. BENEFITS

The Social Security Act incorporated no standards for benefits in the Federal-State system of unemployment insurance. Hence there is no central pattern of benefit provisions comparable to that in coverage and financing. The States have developed quite diverse and complex formulas for determining workers' benefit rights.

The interrelationship between the various factors on which these benefit rights depend--the amount of employment and wages required to qualify an individual for benefits, the period for earning such wages, the method of computing the weekly benefit amount, and the method of determining the length of time for which benefits may be paid--is so close that it is important to take into consideration all the interdependent factors in comparing the benefit formulas of different State laws. While each factor is analyzed separately, in the main, the discussion at various points indicates the relationship to other factors.

Under all State unemployment insurance laws, a worker's benefit rights depend on experience in covered employment in a past period of time called the base period. The period during which the weekly rate and the duration of benefits determined for a given worker apply to him/her is called the benefit year.

The qualifying wage or employment provisions attempt to measure the worker's attachment to the labor force. To qualify for benefits as an insured worker, a claimant must have earned a specified amount of wages or must have worked a certain number of weeks or calendar quarters in covered employment within the base period, or must have met some combination of wage and employment requirements. The claimant must also be free from disqualifications for any of the causes discussed in detail in chapter 400. All but a few States require a claimant to serve a waiting period before his/her unemployment may be compensable.

All States determine an amount payable for a week of total unemployment as defined in the State law. Usually a week of total unemployment is a week in which the claimant performs no work and with respect to which no remuneration is payable. In a few States, specified small amounts of odd-job earnings are disregarded in determining a week of unemployment. In most States a worker is partially unemployed in a week of less than full time work when he earns less than his weekly benefit amount. He receives as benefits for such a week the difference between his weekly benefit amount and his earnings, usually with a small allowance as a financial inducement to take short-time work.

Since 1937, when the Bureau of Internal Revenue began collecting quarterly reports of individual workers' wages for use of the bureau of Old-Age and Survivors Insurance, most States have been collecting similar reports of quarterly wages and have based benefits on these reports. Some States do not maintain wage records of all covered workers, but obtain the data needed for determining benefit rights of claimants after a claim is filed (Table 300, footnote 4).

Most States use the earnings in the highest quarter of the base period as a basis for computing weekly benefits. Other States use a percentage of annual wages, and a few use an average weekly wage as a basis for computing the benefit rate.

In some States the weekly benefit is augmented by a dependent's allowance for workers with specified types and number of dependents; in a few of these, only for workers in the higher wage brackets.

The maximum amount of benefits which a claimant may receive in a benefit year is expressed in terms of dollar amounts, usually equal to a specified number of weeks of benefits for total unemployment. A partially unemployed worker may thus draw benefits for a greater number of weeks. In several States all eligible claimants have the same potential weeks of benefits; in the other States, potential duration of benefits varies with the claimant's wages or employment in the base period, up to a specified number of weeks of benefits for total unemployment.

More detail on all these subjects is given below.

BENEFITS

305 BASE PERIOD AND BENEFIT YEAR

A worker's benefit rights are determined on the basis of his/her employment in covered work over a prior period, called the base period. Benefit rights remain fixed for a period called the benefit year. The waiting period also is measured in or with respect to a benefit year.

305.01 TYPES OF BENEFIT YEARS.--The benefit year is usually a 1-year period or a 52-week period during which a worker may receive his/her annual benefits. Nearly all States have what is called an individual benefit year in that its beginning for any individual claimant is related to the date of unemployment and the filing of a claim (Table 300). In New Hampshire, in Florida for certain workers in the cigar industry, and in Puerto Rico for agricultural workers, a potential benefit year begins for all claimants on a date specified in the law. If a claimant first files a claim toward the end of such a uniform benefit year, the claimant's benefit rights for that benefit year will expire shortly. Ordinarily, however, he/she will be eligible for benefits in a new benefit year at the same or a different rate.

In most of the States with individual benefit years, the benefit year begins with the week in which a worker first files a claim which is valid in terms of a wage qualification (Table 300 and 301). In Arkansas the benefit year begins with the quarter in which a claim is first filed; the effective benefit year may be 40 to 52 weeks. In Massachusetts the benefit year begins on the Sunday preceding the filing of a valid claim, and in New York, on the first Monday after the filing of a valid original claim. Under some State laws a benefit year does not begin until the claimant meets not only the wage or employment requirements but also meets one or more additional requirements (Table 300, footnote 3). New York provides that a benefit year can begin only if the claimant is not subject to any disqualifications or suspension of benefits; hence, when a claimant is disqualified, no benefit year may begin until the disqualification runs out, at which time his/her early weeks of employment will have passed out of the base period.

305.02 TYPES OF BASE PERIODS.--Base periods also are individual or uniform. In the former type the date establishing the beginning and ending of the base period depends on when the worker first applies for benefits or first begins drawing benefits, that is, on the beginning of the benefit year; in the latter type the beginning and ending dates of the base period are fixed in the law and are the same for all workers. A four quarter or 52-week period is used in all States. Several States, however, lengthen the base period under specified conditions (Table 300, footnote 9; Table 301, footnote 8). New Hampshire, the only State with a uniform benefit year for all claimants, has a uniform calendar year base period.

In all States the base period is used for determination of qualifying wages or employment, weekly benefit amount, and duration of benefits, although in most States the weekly benefit amount is computed from wages in only one quarter of the period (Table 304). In some States, certain distribution is required of base-period wages within the quarters of the base period (Table 301).

305.03 LAG BETWEEN BASE PERIOD AND BENEFIT YEAR.--In Michigan there is no lag between the end of the base period and the beginning of the benefit year. In States (Table 300) in which the base period is the last four quarters prior to the benefit year and the benefit year begins with the week of a valid claim, the lag is less than one quarter. In States in which the base period is the first four of the last five completed calendar quarters prior to the benefit year, there is a lag period of 3 to 6 months. In California the lag is 4 to 7 months.

In New Hampshire, with uniform base period and uniform benefit year, the lag between the end of the base period and the beginning of the benefit year is 3 months. However, the lag between the end of the base period and an individual's unemployment may be almost 12 months longer; i.e., almost 15 months.

Claimants who exhaust their benefits before the end of a benefit year must wait until a new benefit year before they can again draw benefits based on a new base period. In no State can a claimant qualify for benefits in a second benefit year unless such claimant has had some employment since the beginning of the preceding benefit year: in Michigan because there is no lag between the base period and a benefit determination. See sec. 310.04 and Table 302 special qualifying requirements for a second benefit year.

BENEFITS

310 QUALIFYING WAGES OR EMPLOYMENT

All States require that an individual must have earned a specified amount of wages or must have worked for a certain period of time within the base period, or both, to qualify for benefits. The purpose of such qualifying requirements is to admit to participation in the benefits of the system only such workers as are genuinely attached to the labor force of covered workers.

310.01 MULTIPLE OF THE WEEKLY BENEFIT OR HIGH-QUARTER WAGES.--Some States express their earnings requirements in terms of a specified multiple of the weekly benefit amount; Pennsylvania and Puerto Rico have weighted schedules that require varying multiples for varying weekly benefits. A few of these States have a step down provision under which a claimant who has not earned the required multiple of the weekly benefit can qualify for a lower benefit amount if the base-period wages are equal to the qualifying amount for the lower benefit bracket (Table 301, footnote 2).

All States with a wage qualification in terms of a multiple of a weekly benefit have a weekly benefit formula based on high-quarter wages (sec. 320.01). The multiple used in the qualifying wage formula (26+ to 40 but typically 30) is greater than the denominator in the fraction used in computing the weekly benefit. In these States the formula automatically requires wages in at least 2 quarters of the base period except for those claimants who qualify for the maximum weekly benefit.

Most of the States with a qualifying requirement of a multiple of the weekly benefit add a specific requirement of wages in at least two quarters which applies especially to workers with large high-quarter wages and maximum weekly benefits.

Alabama, Arizona, District of Columbia, Florida, Kentucky, Louisiana, Maryland, Missouri, Montana, Nevada, New York (beginning April 1, 1999), North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, Utah and the Virgin Islands require 1-1/2 times high-quarter wages; California, Idaho, Indiana, Iowa, Minnesota and New Mexico require 1-1/4 high-quarter wages; South Dakota requires earnings outside the high quarter of at least thirty times the weekly benefit amount. Of these States, Maryland has a stepdown provision. Maryland specifies in a benefit schedule the amount of base-period wages required for each weekly benefit amount, rather than compute the amount by multiplying the individual's high-quarter wages by 1-1/2 (Table 301, footnote 5). Thus, at the maximum weekly benefit amount, an individual might meet the qualifying requirement with earnings in one quarter.

Many of the States with a high-quarter formula have an additional requirement of a specified minimum amount of earnings in the high quarter (Table 301). Such provisions tend to eliminate from benefits part-time and low-paid workers whose average weekly earnings might be less than the State's minimum benefit. Arizona, Georgia, Missouri, New York (beginning April 1, 1999), Oklahoma, Oregon, Rhode Island and the Virgin Islands have alternative base-period qualifying requirements (Table 301, footnote 9).

310.02 FLAT QUALIFYING AMOUNT.--States with a flat minimum qualifying amount include most States with an annual-wage formula for determining the weekly benefit (sec. 320.01) and some States with a high-quarter-wage benefit formula. In addition, Puerto Rico has a flat qualifying requirement for agricultural workers (Table 301, footnote 10). In all these States, any worker earning the specified amount or more within the base period is entitled to some benefits, but the flat qualifying amount qualifies for only limited amounts of benefits. The qualifying amounts for higher weekly benefits are included in the quarterly or annual amounts which entitles a claimant to higher weekly benefits and more weeks of benefits, according to the details of the formulas (Tables 304 and 309).

Of the States with a flat qualifying amount and a high-quarter formula, nearly all require wages in more than one quarter to qualify for any benefits: Illinois, Indiana, Iowa, Kentucky, Maine, Nebraska and New Hampshire require a specified amount of earnings outside the high quarter.

310.03 WEEKS OF EMPLOYMENT.--A few of the States require that an individual must have worked a specified number of weeks with at least a specified weekly wage. Michigan, New Jersey, New York (until April 1, 1999) and Ohio count only weeks in which the claimant earned the required amount of wages (Table 301, footnote 7).

Michigan and New Jersey also have alternative qualifying requirements (Table 301, footnote 9).

310.04 REQUALIFYING REQUIREMENTS.--All States that have a lag between the base period and benefit year place limitations on the use of lag-period wages for the purpose of qualifying for benefits in the second benefit year (sec. 305.03). The purpose of these special provisions is to prevent benefit entitlement in 2 successive benefit years following a single separation from work; the provisions generally require wages more recent than the lag period, either in addition to or as part of the usual base-period wages requisite to establishing a benefit year (Table 302). In many States the amount an individual must earn in order to qualify for benefits in a second benefit year is expressed as an amount (from 3 to 10) times the weekly benefit amount. A few States require an individual to earn wages subsequent to the beginning of the individual's preceding benefit year sufficient to meet the minimum qualifying requirement. In addition, some States specify that the wages needed to requalify must be earned in insured work.

315 WAITING PERIOD

The waiting period is a noncompensable period of unemployment in which the worker must have been otherwise eligible for benefits. All except eleven1/ States require a waiting period of 1 week of total unemployment before benefits are payable. The waiting period may become compensable in several States under specific conditions (Table 303, footnote 2).

In most States the waiting-period requirement in terms of weeks of partial unemployment is the same as in weeks of total unemployment. In Alabama, 1 week of partial unemployment is required before benefits are payable. In New York the four "effective days" which constitute the waiting period may be accumulated in 1, 2, 3, or 4 weeks. In these States a waiting period served in weeks of total or of partial unemployment qualifies alike for benefits for total or partial unemployment. In Montana no waiting period is required for benefits for partial unemployment, and the waiting period for benefits for total unemployment is in terms of weeks of total unemployment.

1/AL, CT, DE, GA, IA, KY, MD, MI, NV, NH and WI

In all States the waiting period is served in or with respect to a benefit year. Three States provide that there shall be no interruption of benefits for consecutive weeks of unemployment continuing into a new benefit year (Table 303); in these States the waiting-period requirement has to be met if, later in the new benefit year, the claimant is again unemployed. Some States provide that the waiting period may be served in the last week of the old benefit year. In all these States a worker who has exhausted benefit rights for the benefit year and who remained unemployed or again became unemployed before the beginning of the new benefit year could serve a waiting period in the last week of the old benefit year.

320 WEEKLY BENEFIT AMOUNT

All States except New York measure unemployment in terms of weeks. The other States determine eligibility for unemployment benefits on the basis of the calendar week (Sunday through the following Saturday). In many States the claims week is adjusted to coincide with the employer's payroll week when a worker files a benefit claim for partial unemployment. The claims week in New York runs from Monday through the following Sunday. All of the States have agreed, via the Interstate Arrangement for Combining Employment and Wages, to use the type of week used by the agent State in combined-wage claims.

A week of total unemployment is commonly defined as one in which the individual performs no services and with respect to which no remuneration is payable. In Puerto Rico a worker is deemed totally unemployed if earnings from self-employment are less than 1-1/2 the weekly benefit amount or if no service is performed for a working period of 32 hours or more in a week. In a few States a worker is considered totally unemployed in a week even though certain small amounts of wages are earned. In Delaware, the greater of $10 or 50 percent of the benefit amount; in New Hampshire, one-fifth of the weekly benefit amount from any source is disregarded; in New Jersey, the greater of $5 or one-fifth of the benefit amount; in Texas, the greater of $5 or one-fourth of the benefit amount; and in Montana, half the wages over one-fourth of the weekly benefit amount.

In New York, unemployment is measured in days and benefits are paid for each accumulation of effective days within a week. An effective day is defined as the fourth and each subsequent day of total unemployment in a week beginning on Monday in which the claimant earns not more than $300. A full week of total unemployment results in the accumulation of 4 effective days; a week with 4 to 6 days of unemployment, in an accumulation of 1 to 3 days. In this discussion, amounts for New York are converted to weeks.

320.01 FORMULAS FOR COMPUTING WEEKLY BENEFITS.--Under all State laws a weekly benefit amount, that is, the amount payable for a week of total unemployment, varies with the worker's past wages within certain minimum and maximum limits. The period of past wages used and the formulas for computing benefits from these past wages vary greatly among the States. In most of the States the formula is designed to compensate for a fraction of the full-time weekly wage; i.e., for a fraction of wage loss, within the limits of minimum and maximum benefit amounts. Several States provide additional allowances for certain types of dependents (Tables 307 and 308).

Most of the States use a formula which bases benefits on wages in that quarter of the base period in which wages were highest (Table 304). This calendar quarter has been selected as the period which most nearly reflects full-time work. A worker's weekly benefit rate, intended to represent a certain proportion of average weekly wages in the higher quarter, is computed directly from these wages. In 15 States the fraction of high-quarter wages is 1/26. Between the minimum and maximum benefit amounts, this fraction gives workers with 13 full weeks of employment in the high quarter 50 percent of their full-time wages. Since it has been found that, for many workers, even the quarter of highest earnings includes some unemployment, 12 States have compensated for this by using a fraction greater than 1/26, as follows:

Fraction	Number of States	Fraction	Number of States
1/25	6	1/22	1
1/24	2	1/21	1

An additional two States compute the weekly benefit as a percentage of the average weekly wage in the high quarter, i.e., 1/13 of high-quarter wages. In Colorado the weekly benefit is 60 percent of the average weekly wage, and in South Carolina 50 percent (1/26).

Other States use a weighted schedule, which gives a greater proportion of the high-quarter wages to lower-paid workers than to those earning more. In these States the minimum fraction varies from 1/11 to 1/26; the maximum, from 1/23 to 1/33. In Pennsylvania, an individual's weekly benefit amount is based on a weighted schedule, or 50 percent of his full-time wage, if that amount is greater. Iowa's benefit schedule is a variation of this concept in which the fraction of high-quarter wages used ranges from 1/19 to 1/23, depending on the number of dependents the claimant has.

Several States compute the weekly benefit as a percentage of annual wages. All but two of these use a weighted schedule which gives as weekly benefits a larger proportion of annual wages to the lower-paid workers (Table 304). In addition, Puerto Rico has a separate benefit schedule for agricultural workers with payments ranging from $10, for annual earnings of at least $400, to $40, for annual earnings of $3,400.01 and over.

Some States compute the weekly benefit as a percentage of the claimant's average weekly wages in the base period or in a part of the base period. Benefits below the maximum are computed at 50 percent of the average weekly wage in New York and Ohio; and at 60 percent in New Jersey. A weighted schedule is used in Michigan.

Minnesota computes the average weekly wage by dividing the claimant’s total wage credits by 52 in cases where the weekly benefit amount is computed as 50 percent of the individual’s average weekly wage during the base period and in cases of the weekly benefit amount being computed as 50 percent of the individual’s average weekly wage during the high quarter, by dividing the claimant’s high quarter wage credits by 13. New Jersey computes the average weekly wage by dividing the individual's total base year wages by the number of weeks worked in the base year up to 52. New York computes the average weekly wage by dividing total base-period wages paid by all employers by the number of weeks of employment furnished by all employers. Weeks in which the claimant earned less than $40 are excluded from the computation unless fewer than 20 weeks of employment remain after such exclusion. Ohio computes the average weekly wage by dividing an individual's total earnings in all weeks in which the claimant earned at least $20 by the number of such weeks.

Michigan computes weekly benefits on average weekly wages from each employer separately in inverse chronological order. An individual's average weekly wage is the average of wages in the calendar weeks of the base period in which wages in excess of $101 were earned but not less than 20 weeks or more than the most recent 35 (34 if all with one employer) weeks. The Michigan and Ohio formulas do not provide a basic benefit for a specified amount of earnings. The schedules are arranged to show the amount which a claimant in each dependency class must earn to qualify for each weekly benefit rate. In both States, the maximum weekly benefit and the earnings required for the maximum benefit vary according to the class.

All States round weekly benefits for total unemployment (Table 304). In all States benefits are paid in even dollar amounts.

320.02 FLEXIBLE MAXIMUM WEEKLY BENEFITS.--More than half the States provide for annual or semiannual computation of the maximum weekly benefit amounts based on wages within the State. The maximum in these States is usually defined as more than 50 percent of the average weekly wage in covered employment within the State during a recent 1-year period and the computed amount usually becomes effective in July. Under these provisions, the maximum weekly benefit amount automatically increases to reflect the upward movement of wages. In Ohio the maximum is adjusted annually by any percentage increase in the State average weekly wage during the preceding fiscal year. Iowa computes five different flexible maximums, the amount payable depending on the number of dependents the claimant has. The significant variations in the flexible maximum benefit provisions are shown in Table 305.

320.03 FLEXIBLE MINIMUM WEEKLY BENEFITS.--In most States the minimum weekly benefit is an amount specified in the law, ranging from $5 to $87. However, seven States--Arkansas, Kansas, Montana, New Mexico, Oregon, Washington, and Wyoming--have enacted flexible minimum benefits. New Mexico computes the minimum benefit annually at 10 percent; Arkansas at 12 percent; Montana, Oregon and Washington at 15 percent of the State average weekly wage. Kansas computes the minimum benefit annually at 25 percent of the maximum weekly benefit amount. Wyoming computes the minimum benefit annually at 4 percent of the minimum qualifying wages in the high quarter.

325 BENEFITS FOR PARTIAL UNEMPLOYMENT

All States provide for the payment of benefits when unemployment reaches a certain stage. In the majority of States a worker is partially unemployed in a week of less than full-time work if less than (in Puerto Rico, not in excess of) the weekly benefit amount is earned from the regular employer or from odd-job earnings. In some States a claimant is partially unemployed in a week of less than full-time work when less than the weekly benefit plus an allowance is earned, either from odd-job earnings or from any source as indicated in Table 306. Only in two States is there any limit on a week of less than full-time work: in North Carolina, a week of less than 3 customarily scheduled full-time days; in Puerto Rico, any week in which the individual's wages and remuneration from self-employment amount to less than twice the weekly benefit amount.

The amount of benefits for a week of partial unemployment is usually the weekly benefit amount less the wages earned in the week with a specified allowance (Table 306). In Indiana only earnings from other than base-period employers are included in the specified allowance. In Puerto Rico the allowance is the full weekly benefit amount. In Idaho, Illinois and Nebraska, the allowance is one-half the weekly benefit amount; in Arkansas it is two-fifths; in Massachusetts it is one-third; in Colorado, Iowa and South Carolina it is one-fourth; in New Mexico, Ohio and Rhode Island it is one-fifth. In the District of Columbia and Kentucky it is one-fifth of the wages earned in the week, in Nevada, one-fourth, and in Connecticut it is one-third; in Washington one-fourth of earnings in excess of $5; in the Virgin Islands one-fourth of earnings in excess of $15; in Alaska 3/4 of wages in excess of $50. In South Dakota it is 25 percent over $25. In Louisiana it is the lesser of 50 percent of an individual's weekly benefit amount or $50. In Nebraska the full weekly benefit is paid if earnings are half or less than the weekly benefit, but only half the weekly benefit is paid if wages are more than the weekly benefit.

Most State laws provide that the benefit for a week of partial unemployment, if not an even-dollar amount, shall be rounded to the nearest or the lower dollar. In a State with a $3 allowance and rounding to the lower dollar, a claimant with a $20 weekly benefit amount and earnings of $10.95 would receive a partial benefit of $12.

In New York benefits for less than a full week of unemployment are paid at the rate of one-fourth of the weekly benefit for each effective day. Since an effective day is a day of unemployment in excess of 3 days of unemployment in a calendar week--or not more than 3 days of employment--and earnings of not more than $300, a partially unemployed claimant may have 1 to 3 effective days in a week and may get one-fourth to three-fourths of the weekly benefit.

The relationship of partial benefits and dependents' allowances is discussed in section 330.03.

California, Illinois, Indiana, Maine, Minnesota and Washington have special provisions concerning benefits for claimants who are unable to work or unavailable for work for part of a week. In Indiana one-third of the weekly benefit amount is deducted for each day the claimant is unavailable for work; in Illinois and Minnesota, one-fifth; in California and Washington, one-seventh of the weekly benefit; however, in Washington no benefits are paid if a claimant is unavailable for 3 or more days in a week. Maine prorates benefits for the portion of the week during which the claimant was able to and available for work.

Rhode Island makes special provision for totally unemployed claimants who have days of employment between the end of the waiting period and the beginning of the first compensable week, and also for those who return to work prior to the end of a compensable week, provided they have been in receipt of benefits for at least 2 successive weeks of total unemployment. For each day of unemployment in such week in which work is ordinarily performed in the claimant's occupation, one-fifth of the weekly benefit is paid, up to four-fifths of the weekly rate.

330 DEPENDENTS ALLOWANCES

The State laws that provide dependents' allowances vary in the definition of compensable dependent and in the allowance granted. In general, a dependent must be "wholly or mainly supported by the claimant" or "living with or receiving regular support from him." In Massachusetts, allowances may be paid only for those dependents domiciled within the United States or its Territories or possessions.

330.01 DEFINITION OF DEPENDENT.--All States with dependents' allowances include children under a specified age (Table 307). In some States children are the only dependents recognized. The intent is to include all children who the claimant is morally obligated to support. Hence, stepchildren and adopted children are included in most States; married children are excluded in Alaska and New Jersey. In most of these States allowances may be paid on behalf of older children who are unable to work because of physical or mental disability.

Some State provisions include other dependents. Included within the definition of dependents are nonworking spouses living in the same household as the claimant (Connecticut); an individual's unemployed spouse (New Jersey); a legally married spouse living with and being wholly or chiefly supported by the claimant (Iowa and Pennsylvania); spouse receiving more than half of their support from a claimant, but only if they are not currently eligible for benefits due to insufficient base-period wages (Illinois); and dependent parents, brothers, and sisters who are unable to work because of age or disability (Iowa and Michigan). In Michigan and Ohio, allowances are paid if the dependents were unemployed and were receiving more than half of their support from the claimant for 90 consecutive days; or for the duration of the relationship if less, immediately prior to the beginning of the benefit year. In addition, in Ohio a spouse may not be claimed as a dependent if the spouse has an average weekly income in excess of 25 percent of the claimant's average weekly wage. In Maine no dependency allowance is paid for any week in which the spouse is employed full time and is contributing to the support of the dependents. Iowa uses the definition of dependent found in Federal income tax guidelines except that Iowa law includes a nonworking spouse as a dependent and defines the term as a spouse who earns less than $120 in a week.

330.02 AMOUNT OF WEEKLY DEPENDENTS' ALLOWANCES.--The amount allowed is ordinarily a fixed sum (Table 308). However, in Iowa and Ohio the allowance is determined not only on the number of dependents but also on the amount of earnings. New Jersey pays 7 percent of the individual's weekly benefit amount for the first dependent and 4 percent each for the next two dependents. Rhode Island pays the greater of $10 or 5 percent of the individual's benefit rate for each dependent.

In Michigan benefits are paid to claimants according to a schedule of the average weekly wages and the individual's after tax earnings. The weekly benefit amount payable reflects both the individual's earnings and the number of dependents.

Ohio pays benefits according to the claimant's average weekly wage and dependency class. Class A is a claimant with no dependents; class B, one or two dependents; class C are claimants with three or more dependents.

All States have a limit on the total amount of dependents' allowance payable in any week--in terms of dollar amount, number of dependents, percentage of basic benefits or of high-quarter wages or of average weekly wage. Only in Maine, Michigan and Massachusetts can any claimant receive allowances for more than five dependents. In Pennsylvania and Illinois the limit is two dependents; in Alaska, New Jersey and Ohio, three dependents; in Iowa, four dependents; in Connecticut, Maryland and Rhode Island, five dependents. In several States the limitation on maximum allowances in terms of the basic weekly benefit amount results in reducing, for many claimants, the nominal allowance per dependent or the maximum number of dependents on whose behalf allowances may be paid.

In Pennsylvania and Rhode Island a claimant with the maximum weekly benefit can draw the maximum amount of dependents' allowances provided in the law. Maryland and New Jersey have a different type of limit in that the maximum weekly benefit is the same with or without dependents; thus no claimant drawing the maximum weekly benefit can receive any dependents' allowances regardless of the number of dependents.

In all but two States, the number of dependents is fixed for the benefit year when the monetary determination on the claim is made. Alaska and Connecticut permit the dependents' allowances to be adjusted during the benefit year if an individual acquires additional dependents. In almost all States, only one parent may draw allowances if both are receiving benefits simultaneously.

330.03 DEPENDENTS' ALLOWANCES FOR PARTIALLY UNEMPLOYED WORKERS.--Claimants who are eligible for partial benefits may draw dependents' allowances in addition to their basic benefits in all the

States which provide these allowances. In all States except Illinois, Maryland and Ohio, the existence of a week of partial unemployment is measured by the basic rather than the augmented weekly benefit, and in all States the full allowance is paid for a week of partial unemployment. The allowance for dependents may be greater than the basic benefit for partial unemployment.

330.04 RELATION OF DEPENDENTS' ALLOWANCE AND DURATION.--As indicated in Table 308, in some States the dependents' allowances increase the maximum amounts payable in a benefit year for all claimants because dependents' allowances are added to the basic weekly benefit so long as it is payable. In Maryland and New Jersey the maximum potential benefits for the claimant at the maximum weekly benefit amount are the same for claimants with or without dependents because the maximum weekly benefit is the same with or without dependents.

The provisions concerning dependents' allowances and partial benefits also affect maximum potential benefits in a benefit year. In Ohio, where dependents' allowances are considered as part of the weekly benefit amount, maximum potential benefits in a benefit year are the same for claimants partially unemployed and those totally unemployed. In Maryland the number of payments for dependents is limited to 26. In the other States where full allowances for dependents are paid for all weeks of partial benefits, the maximum potential benefits and allowances in a benefit year may be greater than the maximum augmented benefits for the maximum number of weeks of total unemployment provided in the law.

335 DURATION OF BENEFITS

A few State laws allow potential benefits equal to the same multiple of the weekly benefit amount (26 weeks) to all claimants who meet the qualifying-wage requirements. Some of these States have an annual-wage formula with comparatively high requirements of base-period wages at all but the lower benefit levels. New York has an average-weekly-wage formula. The other States have a high-quarter formula for determining the weekly benefit amount; they all directly or indirectly require employment in more than one quarter for all--or most--claimants to qualify.

335.01 FORMULAS FOR VARIABLE DURATION.--The other State laws provide a maximum potential duration of benefits in a benefit year equal to a multiple of the weekly benefit (26 to 30 weeks of benefits for total unemployment), but have another limitation on annual benefits. In 34 of the States a claimant's benefits are limited to a fraction or percent of base-period wages, if it produces a lesser amount than the specified multiple of the claimant's weekly benefit amount, as follows:

Duration fraction or percent	Number of States
40 percent	1
3/5	1
1/2	3
36 percent	2
1/3	18
3/10	1
25 percent	1
27 percent	3
28 percent	1
1/4	3

In Alaska, Idaho, Montana, North Carolina and North Dakota maximum benefits are computed in terms of specified ratios of base-period wages to high-quarter wages up to a maximum of 26 weeks.

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In several States with an average-weekly-wage formula, maximum potential benefits depend on a fraction of weeks worked (Table 309). In Michigan duration--like the weekly benefit amount--is figured separately for each employer in inverse chronological order.

In all States, the maximum potential benefit may be used in weeks of total or partial benefits. If a claimant has some or all weeks of partial benefits, the number of weeks of benefits may be greater than the number shown in Table 309. In a few States with dependents' allowances, the maximum potential benefits in a benefit year may be greater than the amount shown in Table 309. (Table 308, footnote 1).

335.02 MINIMUM WEEKS OF BENEFITS.--In Idaho, Kentucky and North Carolina, with variable duration and a high-quarter benefit formula, a minimum number of weeks duration (10 to 26) is specified in the law. In other States the minimum potential annual benefits result from the minimum qualifying wages and the duration fraction or from a schedule. For any claimant this minimum amount may be translated into weeks of total unemployment by dividing the potential annual benefit by the weekly benefit. If the weekly benefit amount for a claimant who barely qualifies for benefits is higher than the statutory minimum weekly benefit (because the qualifying wages are concentrated largely or wholly in the high quarter), the weeks of duration are correspondingly reduced.

335.03 MAXIMUM WEEKS OF BENEFITS.--Maximum weeks of benefits vary from 26 to 30 weeks, most frequently 26 weeks. Table 309, giving the number of States by maximum weeks of benefits and maximum weekly amounts, shows the general tendency of the State formulas to be liberal in both respects if liberal in one.

For State programs with extended duration (see sec. 335.07)

Iowa uses a duration fraction of 1/2 base-period wages up to a maximum of 39 weeks of benefits if the individual is laid off because the employer went out of business. All other claimants are limited to a duration fraction of 1/3 base-period wages up to a maximum of 26 weeks of benefits.

See Section 420 for States with extended durations for claimants who are in approved training.

335.04 OTHER LIMITS ON DURATION.--In most States with variable duration, claimants at all benefit levels are subject to the same minimum and maximum weeks of duration.

Three States include a limitation on wage credits in computing duration. In Colorado only wages up to 26 times the current maximum weekly benefit amount per quarter count; in Indiana, wages up to $5,200. In Missouri wage credits are limited to 26 times the claimant's weekly benefit amount. This type of provision tends to reduce weeks of benefits for claimants at the higher benefit levels.

335.05 MAXIMUM POTENTIAL BENEFITS IN A BENEFIT YEAR.--In the 53 States maximum potential basic benefits in a benefit year are lowest in Puerto Rico and highest in Washington. In the States with dependents' allowances, maximum potential benefits for the claimant with maximum dependents' allowances are lowest in Iowa and highest in Massachusetts. The qualifying wages required for these various amounts vary even more widely than the benefits, as shown in Table 309. The variations are related more to the type of formula than to the amount of benefits.

335.06 FEDERAL-STATE EXTENDED BENEFITS (EB).--The Federal-State extended benefit program, established by Public Law 91-373, is designed to pay EB to workers during periods of high unemployment. The program is financed equally from Federal and State funds and becomes operative on a State level. An EB period becomes effective in a State in the third week following the week in which a State "on" indicator is reached and stays effective until the third week following the first week in which State indicators are "off", but for not less than 13 weeks.

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A State "on" indicator is reached in the last week of the 13-week period when the rate of insured unemployment (not seasonally adjusted) in the State for such period (a) equals or exceeds 120 percent of the average of such rates for the corresponding period in each of the preceding 2 calendar years, 1/ and (b) is not less than 5 percent.2/ However, no EB period may begin by reason of a State "on" indicator before the fourteenth week after the close of a prior EB period in that State. A State "off" indicator is reached in the last week of the specified 13-week period when the rate of insured unemployment (not seasonally adjusted) in the State for such period either (a) falls below 120 percent of the average of such rates for the corresponding period in each of the preceding 2 calendar years, 1/ or (b) is less than 5 percent.

The Unemployment Compensation Amendments of 1992 (P.L. 102-318) permits States to pay EB for weeks beginning March 7, 1993, using an alternative trigger based on the seasonally adjusted total unemployment rate (TUR) as determined by the Secretary of Labor. Under the alternative trigger a State may trigger "on" for a week if the TUR for the most recent 3 months (a) equals or exceeds 6.5 percent and (b) the average TUR in the State equals or exceeds 110 percent of the TURs for either or both of the corresponding 3 month periods in the 2 preceding calendar years. However, no EB period may begin by reason of a State "on" indicator before the fourteenth week after the close of a prior EB period in that State. The State will trigger "off" EB when either (a) the TUR falls below 6.5 percent or (b) the requirements pertaining to the TUR in the previous 2 years are not satisfied. States electing to use the new alternative trigger will provide for the payment of 7 additional weeks of EB when the TUR reaches 8.0 percent. Alaska, Connecticut, Kansas, Oregon, Rhode Island, Vermont, and Washington have amended their laws to adopt the optional TUR trigger.

Within certain requirements, EB is payable at the same rate as the claimant's weekly benefit amount under the State law. A claimant may receive EB equal to the least of the following amounts: one-half the total amount of regular benefits, including dependents' allowances; or 13 times (20 times when rate reaches 8.0 percent) his weekly benefit amount. There is an overall limitation of 39 weeks (46 weeks when rate reaches 8.0 percent) on regular and EB.

An EB claimant who fails to apply for or to accept suitable work or who fails to actively engage in seeking work is not entitled to EB for the week in which such failure occurred, and the claimant is further ineligible beginning with the week following the week in which such failure occurs and until the individual has been employed during at least 4 weeks and has earned a total of 4 times the individual's EB amount.

Suitable work for EB claimants is defined as "any work within such individual's capabilities except that if the individual furnishes evidence satisfactory to the State agency that such individual's prospects for obtaining work in his customary occupation within a reasonably short period are good, the determination of whether any work is suitable with respect to such individual shall be made in accordance with the applicable State law". An individual cannot be disqualified for failing to accept an offer of suitable work, or to apply for suitable work to which referred by the State agency, if the gross weekly pay of the job does not exceed the extended weekly benefit amount payable to him for a week of total unemployment plus the amount of any supplemental unemployment benefits (SUB) payable for such week. Such jobs cannot pay less than the higher of the Federal minimum wage or any applicable State or local minimum wage and the job offer must be in writing and listed with the State agency.

1/State law may waive this requirement whenever the IUR in the State equals or exceeds 6 percent.
2/Twelve States do not waive the 120% criterion. However, New York allows waiver of the 120% criterion at the discretion of the director.

An EB claimant must also make a "systematic and sustained effort" to seek work each week and must provide "tangible evidence" to the State agency that he/she has done so. The State agency must refer EB claimants to jobs which meet the suitability requirements. A claimant who fails to meet this work search requirement is disqualified until he/she has worked at least 4 weeks and earns 4 times the weekly benefit amount. However, States may provide an exception to this disqualification and apply only week to week eligibility determinations to EB claimants who are serving on jury duty or hospitalized for treatment of an emergency or life threatening condition if the State treats regular claimants in this fashion.

Extended benefits payable to an interstate claimant shall be limited to 2 weeks unless both agent and liable States are in an EB period.

A claimant is required to have 20 weeks of work, or the equivalent, (1-1/2 times high-quarter wages or 40 times weekly benefit amount) in order to qualify for EB. Also, a claimant who receives TRA will have his EB entitlement reduced by the number of weeks of TRA he received if he received TRA before EB triggered "on" in the State.

The Federal 50% matching share of EB will be reduced if a State fails to require a waiting week or if it fails to have a benefit structure in which benefits are rounded down to the lower dollar. Colorado, Delaware, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, South Dakota, West Virginia and Wyoming reduce the EB amount payable to a claimant during a period in which Federal payments to States for EB are reduced pursuant to a sequester order under Gramm-Rudman-Hollings.

335.07 STATE PROGRAMS FOR EXTENDED DURATION.--A few States have solely State-financed programs for payment of EB during periods of high unemployment. Florida (until June 30, 1999) and Washington have a temporary additional benefit program for dislocated workers. In Washington no new claims will be accepted beginning July 1, 1997. In Puerto Rico EB is paid to claimants who became permanently displaced from their usual occupation as a direct result of technological progress in the industry; permanent removal of an industry, factory, or occupation; or the elimination or reduction of the sugarcane crop areas. In the other States they are paid when unemployment within the State reaches specified levels.

In Alaska, California and New Jersey (until December 1, 1996, and March 1, 1997, for continued claims) with a variable duration and a maximum of 26 weeks, potential benefits are extended by 50 percent up to a maximum of 13 weeks, and by 25, Oregon. Puerto Rico, with uniform duration of 20 weeks, Connecticut and the District of Columbia, with a uniform duration of 26 weeks, extend potential duration by 32 weeks, 13 weeks and 10 weeks, respectively. Alaska pays State-financed EB under the same conditions as the Federal-State program if the claimant meets all requirements but fails to meet the additional earnings requirement for Federal-State EB.

State EB may not be paid in California or Connecticut for any week for which an individual is entitled to or is receiving Federal-State EB. Total Federal-State EB and State EB are limited in California to the lesser of 13 times the weekly benefit amount or one-half the maximum amount of normal benefits payable during the benefit year. Also, California has additional employment qualifications for receipt of State EB.

In California benefits start when the insured unemployment rate for the most recent 13 weeks is 6 percent or more, and end when such rate for the most recent 13 weeks falls below 6 percent. In Connecticut EB begins and ends under the same criteria used for triggering in a State "on" and "off" indicator under the Federal-State program. In New Jersey the temporary program is based on total unemployment rate.

Hawaii has a separate law, known as the Additional Unemployment Compensation Benefits law, that provides 13 additional weeks of benefits when a natural or manmade disaster causes damage to either the State as a whole or any of its counties and creates an unemployment problem involving a substantial number of persons and families.

Minnesota pays up to 10 weeks of additional benefits if the employer reduces operations at a facility employing 100 or more for 6 months resulting in a 50 percent reduction of the work force; and the employer does not intend to resume operations; and the unemployment rate in the facility's county was 10 percent during the month of reduction or any of the 3 months preceding or succeeding the reduction.

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See Section 420 for States with extended durations for claimants who are in approved training.

340 SEASONAL EMPLOYMENT AND BENEFITS

In most States no distinction is made, in determining an individual's benefit rights, between wages received from a covered employer whose operations are seasonal in character and those received in employment not regarded as seasonal. In these States, entitlement to benefits is determined under the same benefit provisions, whether the claimant's base-period employment had been in seasonal or nonseasonal work. In many States the wage levels and the length of the operating period of seasonal pursuits are such that individuals, whose only or primary employment has been in seasonal work, are automatically excluded from benefits because they do not meet the wage or employment requirements (Table 301). Also, in applying the availability-for-work test (sec. 410) all States give special attention to claimants who earned all or a large part of their base-period wages in seasonal employment--especially those filing for benefits during the off-season of the industry in which the wages were earned. Arizona restricts benefits based on wages earned in seasonal employment.

In 15 States there are special provisions, varying in their effect of the benefit rights of the workers concerned, governing the payment of benefits based on earnings in seasonal employment. In these States, there are restrictions on the payment of benefits to workers who earned some or a substantial part of their base-period wages in employment defined as seasonal. In these special provisions the term seasonal is defined in specific terms--either in the statute or in the rules or regulations implementing the statute--and is applied to (a) the industry, employer or occupation involved; (b) the wages earned during the operating period of the employer or industry; and (c) the worker himself. In most States the designation of seasonal industries, occupations, or employers and the beginning and ending dates of their seasons is made in accordance with a formal procedure, following action initiated by the employment security agency or upon application by the employers or workers, involving hearings and presentation of supporting data. Arkansas law provides that any employer classified as a seasonal employer may request not to be treated as a seasonal employer.

The first processing of perishable food products and agricultural or horticultural products is designated as seasonal in Delaware and Wisconsin. Delaware also includes first processing of seafood products and Wisconsin includes forestry, commercial fishing, hunting or trapping.

In six other States a seasonal pursuit, industry, or employer is defined in such terms as one in which "because of climatic conditions or the seasonal nature of the employment it is customary to operate only during a regularly recurring period or periods of less than (a specified number of weeks)": 16 weeks in Massachusetts; 25 weeks in Colorado; 26 weeks in Indiana; 26 weeks in Maine1/ and Ohio; 36 weeks in North Carolina.

In Arkansas, an industry may be designated as seasonal if, because of its seasonal nature, it is customary to lay off 40 percent or more of the workers for as many as 16 weeks during a regularly recurring period of each year.

In general, the restrictions on the payment of benefits to individuals employed during the operating periods of these seasonal industries fall into one of four groups.

1. The most frequent restriction provides that wage credits earned in seasonal employment are available for payment of benefits only for weeks of unemployment in the benefit year that fall within the operating period of the employer or industry where they were earned: wage credits earned in non-seasonal work, or in employment with a seasonal employer outside the operating period, are available for payment of benefits at any time in the benefit year. The States with this type of provision are listed below, together with the definitions of "seasonal worker" to whom the restrictions apply:

Arkansas	Off-season wages of (a) less than 30 times the weekly benefit amount, if worker's seasonal wages were earned in an industry with an operating period of 2-6 months; or (b) less than 24 times the weekly benefit amount, if seasonal

	wages were earned in an industry with operating period of 7-8 months.
Colorado	Some seasonal wages in operating period of seasonal industry.
Indiana	Some seasonal wages in operating period of seasonal employer.
Maine	Some seasonal wages in operating period of seasonal employer.
Massachusetts	Some seasonal wages in operating period of seasonal industry.
Michigan	Some seasonal wages in operating period of seasonal industry.2/
Mississippi	Off-season wages of (a) less than 30 times the weekly benefit amount, if worker's seasonal wages were earned in a cotton ginning industry or professional baseball with an operating period of 6-26 weeks; or (b) less than 24 times the weekly benefit amount, if seasonal wages were earned in a cotton ginning industry or professional baseball with operating period of 27-36 weeks.
North Carolina	25 percent or more of base-period wages earned in operating period of seasonal employer.
Ohio	Some wages earned in operating period of seasonal employer.
Pennsylvania	Seasonal wages for less than 180 days of work in operating period.1/
South Dakota	Some wages earned in operating period of seasonal employer.2/

2. Another type of restriction is applicable to claimants who earned a large proportion of their base-period wages in the operating period of a seasonal industry. Under these provisions no benefits may be paid to the seasonal workers.

West Virginia	Individual with less than 100 days of employment in seasonal industry and less than $100 in other covered employment.
Wisconsin	Service performed by an individual for a seasonal employer is not covered unless he or she was employed by a seasonal employer for 90 days or more during 2 CQ's or is paid wages of $500 or more during the base period for at least one employer in other covered employment.

1/For seasonal lodging facilities, variety store or trading post, restaurants and camps, a period of less than 26 weeks applies.
2/Applies only to individuals with a reasonable assurance of seasonal reemployment.

3. A third type of restriction is applicable to individuals in Minnesota who have employment in seasonal work. Minnesota defines seasonal work as work with a single employer in the recreation or tourist industry which is available with the employer for 15 consecutive weeks or less in each calendar year. Minnesota requires that these individuals also have 15 or more weeks equal to or in excess of 30 times the weekly benefit amount in nonseasonal work, because wages paid in seasonal work are not available for benefit purposes outside the season.

4. Under the fourth type of restriction, benefit rights are based on total base-period wages but benefits are payable only for weeks of unemployment that fall within the operating season of the employer or industry in

which the worker earned the seasonal wage credits. In Delaware a claimant is considered a seasonal worker if more than 75 percent of the base-period wages were earned in the operating period of the seasonal employer.

345 INTERSTATE BENEFIT ARRANGEMENTS

To encourage a claimant to move from a State where no suitable work is available to one where there is a demand for the type of service the claimant is able to render, States have historically entered into agreements to protect the benefit rights of workers who have made such moves. Prior to the Employment Security Amendments of 1970 (P.L. 91-373) which required the State to "........participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under the State law with his wages and employment covered under the unemployment compensation law of other States which are approved by the Secretary of Labor in consultation with the State unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation.....," the State had developed several different wage-combining plans to provide for payment of benefits to interstate workers. However, not all States had belonged to any one plan.

1/Applies only to individuals with a reasonable assurance of seasonal reemployment.
2/If the initial claim is filed within the operating period, entitlement is computed on the basis of both seasonal and nonseasonal wages; if filed outside such period, computation is based on only nonseasonal wages.

345.01 INTERSTATE BENEFIT PAYMENT PLAN.--This plan permits collection of unemployment insurance benefits from the State in which an individual has qualifying wages although not physically present in that State. The State in which the individual is located accepts the claim, acting as agent for the State that is liable for the benefits claimed. Determinations on eligibility, disqualifications, and the amount and duration of benefits are made by the liable State.

345.02 WAGE-COMBINING ARRANGEMENT.--The arrangement developed as a result of the 1970 amendments to the Federal law provides for applying the base period of a single State law (that of the paying State) to a claim involving the combining of an individual's wages earned in two or more States while avoiding duplicate use of wages and employment because of such combining. The arrangement continues to permit, as did prior interstate agreements, multi-State workers to combine their wages and employment in more than one State, both when they have insufficient wages and employment to qualify for benefits in any one State and when, having sufficient wages and employment to qualify for benefits in one State, their benefits would be increased by combining their wages and employment in other States. In addition, the arrangement permits workers, having sufficient wages and employment to qualify for benefits in more than one State, to combine their wages in those and any other States in which they had wages and employment in the base period of the paying State. A claimant who elects to file a combined-wage claim is required to combine all the transferable wages and employment in all States in which such claimant worked during the paying State's base period. The claimant may, however, withdraw the combined-wage claim at any time before the monetary determination of that claim has become final.

In general, with the exception of wages and employment previously used as the basis of a monetary determination to establish a benefit year, all States are required to transfer to the paying State the wages and employment that a combined-wage claimant had in covered employment during the paying State's base period. Exempt from such mandatory transfer are wages and employment that were canceled or otherwise made unavailable to the claimant by a determination which the transferring State made before it received the request for transfer. In general, unless the issue has previously been adjudicated by a transferring State, all determinations with respect to a combined-wage claim are to be made by the paying State under the provisions of its law and in accordance with its law's requirements on determinations and appeals.

The arrangement provides for consultation by the Secretary of Labor with the State unemployment compensation agencies as to the rules, regulations, procedures and forms which the Secretary prescribes and the States follow for operation of the arrangement. Disagreements between States as to the operation of the arrangement are resolved by the Secretary with the advice of the State agencies' duly designated representatives. The agreement also provides for periodic review of its operation. Amendments to the arrangement may be proposed by the Secretary, by any State agency, or by the Interstate Conference of Employment Security Agencies and are made, upon approval, by the Secretary in consultation with the State unemployment compensation agencies.

350 SHORT-TIME COMPENSATION (WORKSHARING)

P.L. 97-248 directed the Department of Labor to develop model legislation that can be used by States wishing to establish short-time compensation (worksharing) programs. There is no requirement that States adopt this legislation. The States with worksharing programs in effect are Arizona, Arkansas, California, Florida, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New York, Oregon, Rhode Island, Texas, Vermont and Washington. Connecticut has a shared work program but has not issued regulations on the requirements and administration of the program.

A worksharing plan of an employer must be agreed to by both employer and union with final approval by the State employment security agency. Worksharing is a plan under which an employer, faced with the need for layoffs because of reduced workload, might spread the hours of work required to produce a given product of goods or services, avoiding layoffs by reducing the number of regularly scheduled hours of work for all employees in an establishment or work unit. Unemployment benefits would be payable to workers for the hours of work lost by this action, as a proportion of the benefit amount for a full week of unemployment. Shared work benefits differ from benefits paid under the partial benefits formula in a State by paying benefits to individuals who would not, under the partial benefits formula, be considered unemployed. Also, duration is limited to 20 weeks in California and in New York (exclusive of waiting week); 26 weeks in Arizona (but may be extended if the insured unemployment rate for a 13-week period is equal to at least 4%), Arkansas, Florida, Iowa, Kansas, Louisiana, Maryland, Minnesota, Missouri, Oregon, Rhode Island, Texas, Vermont and Washington; 30 weeks in Massachusetts in any 12-month period and employees will not be expected to meet the standard availability for work, actively seeking work or refusal of work requirements as in the regular unemployment insurance program but will be required to be available for the employee's normal workweek.

In Arizona employers with a negative reserve account balance and whose account has been charged for benefits paid under worksharing are assessed an additional rate of tax. In Florida and Missouri any employer participating in a worksharing program can be assessed a higher rate of contributions than the maximum rate for non-worksharing employers. In Arkansas, California, Kansas (program does not apply to negative account balance ERs), Iowa, Louisiana, Maryland, Massachusetts, Minnesota, Rhode Island, Texas, Vermont and Washington shared work benefits will be charged to an employer's account in the same manner as for regular unemployment benefits. However, in Massachusetts if an employer's account reserve percentage is negative, the employer will be charged on a dollar for dollar basis as if he were a reimbursing employer. In New York shared work benefits are charged to the appropriate account in an amount expressed in dollars rather than effective days. In Oregon employers are charged dollar for dollar if their benefit ratio is greater than their tax rate.

355 SELF-EMPLOYMENT ASSISTANCE (SEA) PROGRAM

The implementing legislation for the North American Free Trade Agreement (NAFTA) allowed States the option to establish SEA programs to help unemployed workers to create their own jobs by starting small businesses. To be eligible for such program an individual, must be eligible for unemployment compensation; have been permanently laid off from their previous job and are identified through the profiling system as likely to exhaust their benefits; must participate in self-employment activities including entrepreneurial training, business counseling, and technical assistance; self-employment allowances will be funded out of each State's account in the Unemployment Trust Fund at no additional cost to the unemployment insurance system; and no more than five percent of individuals receiving regular unemployment compensation may be part of such program.

Individuals who are enrolled in the program will receive weekly self-employment payments. These payments will be the same weekly amount as the worker's regular unemployment benefits, while working full-time on starting a business. Only California, Connecticut, Delaware, Maine, Maryland, Minnesota, New Jersey, New York, Oregon and Rhode Island have established an SEA program.

360 HEALTH CARE COVERAGE

States may, by law, permit individuals to choose to have health insurance premiums deducted from their unemployment insurance weekly benefit amount, providing that the State has an approved health care plan for unemployed individuals. Only Illinois, Massachusetts and Oklahoma have adopted this provision.

365 DISLOCATED WORKERS

Arizona, California, Delaware, Indiana, Maine, Massachusetts, New York, Pennsylvania, Washington, and Wisconsin have established special programs for dislocated workers which provide job search assistance or job training. None of these programs is funded from the State's unemployment fund.